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Consideration of reports: reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

List of issues in relation to the combined initial and second periodic report of Thailand

Addendum

Replies of Thailand to the list of issues*

[Date received: 23 March 2015]

I. General information

1. The latest Thailand's country report on the implementation of ICESCR was done with reference to the former constitution (Constitution of the Kingdom of Thailand B.E. 2550 (2007)). At present, the Interim Constitution B.E. 2557 (2015) is in place as the supreme law of the country. This Constitution guarantees all human rights and dignity as they have been under the previous constitutions. While the new Constitution is being drafted and reform process is on-going to pave the way for strengthened democracy with the respect for human rights, all legislations enacted prior to the abrogation of the former Constitution remains in effect, as well as the institutions responsible for enforcing the laws and independent agencies under the Constitution. All acts of the Government are fully subject to the rule of law.

Reply to the issues raised in paragraph 1 of the list of issues (E/C.12/THA/Q/1-2)

2. Thailand, as a dualist in its legal system, international legal instruments do not apply directly in the judicial system. Hence, it is not common that international legal instruments are invoked before and/or applied by the domestic courts.

* The present document is being issued without formal editing.

3. It is important to note that despite the fact that it is not customary practice that the existing judicial system in Thailand would invoke any international covenants before the court, the underlying human rights principles of ICESCR are upheld and taking into account by the courts in making any decision. In many cases, economic, social and cultural rights are reiterated before domestic courts when any party in the court case refers to legislations embracing those rights.

4. In addition, there are a few cases that economic, social and cultural rights are mentioned before or applied by domestic courts as part of "community rights" which is guaranteed by the constitution. Community rights, according to the constitution, encompass the collective economic, social and cultural rights of members of the community.

5. The constitution states that community, local community or traditional community shall have the right to conserve or restore their customs, local knowledge or culture. The community members shall also have the right to participate in the management, maintenance, preservation and utilization of natural resources and environment including the biological diversity in a balanced and sustainable manner.

6. Any project or activity which may seriously affect the community particularly on the quality of environment, natural resource and health is not permitted, unless its impact on the quality of environment and people's health have been studied and public hearings have been organized.

7. To effectively enforce community rights, any community also have the right to sue a State agency, State enterprise, or local government organization on the ground related to community rights.

8. The term "community rights" often appears before the Court in cases relating to dispute between local community and private company exploiting natural resources, or between local community and the authority with regard to their rights to land and natural resources. The Administrative Court has the power to examine legality of any acts by the authority.

9. As individual rights, the economic, social and cultural rights are also taken in to account by the Court, especially the Constitution Court and the Administrative Court. The Constitution Court once ruled that a law that prohibits the production of alcohol by using fermented rice dough according to a community's own tradition is unconstitutional and violates people's freedom to exercise economic activity. The Administrative Court ruled that an order issued by the Attorney Committee preventing an individual with disability to sit for the exam to be attorney is an unlawful exercise of power.

10. Recognition of cultural right as part of community rights is evident in a number of Administrative Court rulings. For example, the Court once ruled in favour of a group of local community in Nakhon Pathom Province who claimed that the Municipality's construction near a historical site will have a damaging impact on their historical architectural heritage.

Reply to the issues raised in paragraph 2 of the list of issues

11. Thai Constitutions, including the 2014 Interim Constitution, have always guaranteed all human dignity, rights, liberties and equality of the people. This includes those that fall into economic, social and cultural rights, such as rights and liberties in education and rights to public health services and welfare, among others. State authorities take into account these rights and liberties of the people when exercising their powers or implementing any project.

12. In addition to the Constitution, each government agency is obliged to comply with the recently-approved 3rd National Human Rights Plan (2014–2018), which incorporated

elements from the Constitution, international human rights obligations to which Thailand is party as well as recommendations adopted for implementation pursuant to the Universal Periodic Review (UPR).

13. It is important to note that nine out of eleven focus areas in the 3rd National Human Rights Plan relate to economic, social and cultural rights. These are human rights plans on public health; education; economic rights; natural resources and the environment; housing; cultural rights and rights concerning religion; data, information, information technology, and communication; transportation; and social security.

14. In addition, the 3rd National Human Rights Plan has developed extra measures to ensure equal protection for everyone in the society. The human rights plan on social security has specifically crafted measures to protect the rights of 15 vulnerable and underprivileged groups, such as measures for children, women, older persons, persons with disabilities, persons living in poverty and individuals affected by the development process, as well as people with irregular status, ethnic groups, and asylum seekers or displaced persons, among others. To illustrate, one measure to protect the rights of people living in poverty is to encourage them to express their opinions, voice their concerns, and continue to engage in development projects including large-scale infrastructure development.

15. There has also been a practice, stipulated in all Thai Constitutions since 1997, in which government agencies, be they central, provincial or local, are obliged to conduct an impact assessment and organise public consultation before adopting any social, economic, politic and cultural development plan as well as other activities that may affect the interest of the public, such as town planning, the determination of land use, and the enactment of any laws. In addition, the Constitution also empowers people with the right to express their opinions to concerned agencies on the implementation of any project or activity that may have an impact on the quality of the environment, health conditions, the quality of life or the interest of a local community.

16. In case where violations of economic, social and cultural rights in development projects have already taken place, affected people or communities may file the case at the Administrative Court and receive due compensation from responsible government agency.

17. Regarding trade agreement negotiations, the Ministry of Commerce, the main agency responsible for this matter, has carried out a number of activities to support public participation in the free trade negotiation process such as disseminating information on the FTA and its expected outcome, and organising consultations with various parties concerned. The Constitution also requires that any treaty related to free trade or customs cooperation area be approved by the National Legislative Assembly, which normally bases their deliberation on impact assessments as well as opinions from stakeholders and general public.

The case of Map Ta Phut

- In early 2009, local villagers from Map Ta Phut filed lawsuit to the Administrative Court against the government and demanded the government to protect the rights of local communities and solve the problems that resulted from their policy to develop the Map Ta Phut Industrial Estate. In particular, local communities called for the government to address the problem of health and environmental impacts that affected local residents.

- The Administrative Court ruled that Map Ta Phut was a pollution-control zone and thereby suspended 76 projects in the Industrial Estate that were not in compliance with Section 67 of the 2007 Constitution. The Court's ruling means that industrial companies needed to follow the measures required in Section 67 such as the conduct of necessary environmental and health impact assessments as well as the

consultation with local communities in order to receive the permit license from the government.

- At present, Map Ta Phut has become one of the best practices on cooperation between industrial companies and local communities in Thailand. The Community Partnership Association has been established and together, they are determined to make Map Ta Phut Industrial Estate an eco-industrial town by 2018 and become the standard for industrial estates elsewhere in Thailand.

Reply to the issues raised in paragraph 3 of the list of issues

18. Despite the revocation of the 2010 Constitution, the National Human Rights Commission of Thailand (NHRCT) continues to function normally.

19. The government has also allocated budget, at an increasing rate every year, to NHRCT so that it can cover their administrative cost as well as carry out their mandates effectively and independently. NHRCT has been able to handle an increasing number of cases, from 112 cases during its inception year in 2001 to around 600–700 cases at present. (Statistics on budget allocation from the government to NHRCT, see Annex: Table 1.)

20. NHRCT has tried to improve their efficiency, taking into consideration the recommendations received from ICC-SCA in 2008. Two out of four recommendations, i.e. (1) having separate premises and establishing permanent regional presence and (2) having its own staff, have been successfully implemented. NHRCT now has its own office with independently recruited staff as well as a branch office in the Southern Border Provinces area which was opened in Pattani Province in 2014.

21. NHRCT is also in the process of implementing the other two recommendations. On the recommendation to ensure broad consultation in the nomination and selection of Commission members as well as the recommendation of the ICC-SCA in 2014 to establish functional immunity in relevant legislations (including the draft NHRCT Act), NHRCT has duly brought those recommendations to the attention of the Cabinet, the National Legislative Assembly, and the National Reform Council. NHRCT has also submitted recommendations to strengthen NHRCT's efficiency to the Constitutional Drafting Committee (CDC).

22. On the suggestion to ensure that NHRCT's recommendations have been implemented or followed up by relevant authorities, NHRCT recommended the CDC to improve the follow-up process, particularly allowing NHRCT to identify concerned agencies, be they central, provincial or local government agencies, in its recommendations and monitor the implementation of recommendations through existing government inspection mechanisms.

23. At present, the CDC is carefully considering different settings of a national human rights body and measures that would best strengthen its implementation and protection of human rights of all people, taken into account the context and dynamism of the country. In this connection, the consultations have been organised with parties concerned, including NHRCT themselves and international organisations.

II. Issues relating to specific provisions of the Covenant (arts. 1–5)

Article 1 – Right to land and natural resources

Reply to the issues raised in paragraph 4 of the list of issues

24. Thailand does not have indigenous peoples according to the commonly used definition which implies pre-colonial or pre-settler societies. However, Thailand recognizes and protects the rights of peoples to ownership of the lands as well as the rights of peoples belonging to different ethnic groups residing in Thailand to maintain their cultural identities, lifestyles, and languages.

25. As a responsible member of the international community, Thailand has put its utmost efforts at home in preventing deforestation, one of the most urgent global climate challenges. Nevertheless, like in many other countries, Thailand has also faced with challenges in striking the right balance between fulfilling such global commitment and the obligations at home to respect the rights of our peoples and local communities to a fair share of the benefits in the utilization of the lands and natural resources.

26. It is also important that measures put in place by the government must be common and consistent in its implementation in different locations of the country while the groups of businessmen and business brokers are differentiated from the affected poor and people in vulnerable situations.

27. The government's scheme with regard to land title and related documentation, therefore, encompasses different degrees of ownership as well as ability to transfer, to sell, and to utilize the land corresponding to different nature of the land, the location, and the duration of stay or inhabitation.

28. The Cabinet Decisions in 1997 as well as the recent Master Plan to Prevent Encroaching on Conserved Forest Land in 2014 fully recognize the rights of the people residing in the area before it was announced as conserved forest land by allowing them to be entitled to full ownership of the land transferable to their heir apparent provided that that piece of land is not classified as risk-damaging-surrounding-ecological-system.

29. Some other scenarios also include accommodative measures by the government to allow people to have rights to utilize the land and rights to temporary residing in the area with certain conditions. The rest cases, which involve new inhabitation and farming as well as encroaching in the conserved forest land, people are asked to move out of the area. Those particularly with limited means will be accorded with assistances such as housing, utility services, and training as well as occupational opportunities by various agencies of the government and interested NGOs.

30. Agricultural Land Reform Office (ALRO), which was established since 1975, works to allocate land to farmers for living and dwelling, revitalize the environment, make use of the resources in land reform areas, develop infrastructures and support learning process, and provide financial assistance for farmer's occupation. So far, several ALRO projects related to aiding the poor farmers have yielded mixed results. This is due to complications surrounding the issue as well as challenges in its implementation.

31. Self-settlement community project initiated by the Ministry of Social Development and Human Security (MSDHS) in 43 locations throughout the country illustrates the example of the model used in allocation of the land to affected people to resettle, cultivate and make a living with support provided in term of basic infrastructure and job training.

32. MSDHS' Community Organizations Development Institute (CODI) also renders support to local villagers and members of community affected through project to solve problems of rural land rights. Project activities include provision of housing for those affected and establishment of data collection and mapping system for local communities.

33. In addition, efforts have been made by various agencies including the Ministry of Agriculture and Cooperatives and local administration to implement the piloted Community Forest Project, whereby community members can participate in the utilization of forest resources in a sustainable manner.

34. Related Cabinet's and Government's decisions are always made public to ensure transparency of the process. Affected people and communities are free to voice their concerns.

35. The protests by NGOs in the late 1990s that demanded the then-government to maintain instead of review the Cabinet Decision in 1997 illustrates the case in point. Their demand was taken up for further debate and consideration by the Cabinet at the time. Although it is not the case that all the NGOs' calls would always be fulfilled, their requests are usually taken seriously, and the Government, in the meantime, has also tried to put in place measures that would continue to mitigate problems and reduce complications in the implementation of the policies. Those measures include acceleration of forest land demarcation and clarifications of related inconsistent and conflicting rules on land rights.

36. Several NGOs concerned working on the ground are keen and organized in their positions, which are clearly reflected in their joint detailed proposals submitted to the government.

37. In addition, NGOs have also campaigned for the governments to consider the package of 4 relevant legislations to help the poor including (1) to upgrade the Prime Minister Office Regulation 2010 to a Community Rights in Land Management Act, (2) put in place Land Tax Scheme Act that would redistribute wealth among the peoples in the country, (3) set up Land Management Bank, (4) establish a Justice Fund to support Land Management Bank operations and provide legal assistance and financial support to villagers affected in land disputed cases.

38. While the governments including the previous ones have taken these proposals into consideration, main ideas of some of these proposals have already been embraced and implemented.

39. Progress has been made on the establishment and the strengthening of the Justice Fund mechanism. The draft Justice Fund Act B.E. gained the cabinet approval in principle in December 2014 and is due to be submitted to the Office of the Council of State and then to the National Legislative Assembly for consideration. The Justice Fund aims to provide financial support to promote access to legal aid and lawyers, assist in the process of justice including gathering proofs and evidences, and bails particularly for those in need.

40. The fund set up within the Ministry of Justice has also been used to assist Chao Lay community affected by land disputes after the Tsunami with private companies particularly in Rawai beach, Phuket province. The financial and legal support rendered to this community has helped them to be able to fight their cases in court.

Article 2, paragraph 1 – Maximum available resources

Reply to the issues raised in paragraph 5 of the list of issues

41. Thailand recognizes that corruption is a serious obstacle for the Thai people to fully enjoy their economic, social, and cultural rights. The Royal Thai government has made

considerable effort in fighting corruption at all levels. Since the new Government has taken the office, the eradication of corruption has been announced as one of the Government top priorities.

42. The National Anti-Corruption Commission (NACC) is one of the main agencies responsible in combating corruption. NACC, an independent government agency created under the principle of checks and balances, is tasked to ensure the integrity and transparency of the government's policies. NACC is the center point to receive corruption allegations from the public, examine the facts relevant to each case, and refer the case to the Office of the Attorney General for relevant judicial proceedings if needed. NACC encourages people to report suspected corruption cases and even provides witness protection for witnesses and reporters of corruption activity to the authority.

43. Corruption relating to land, forest, and natural resources has the greatest impact on people's economic, social and cultural rights. NACC adopted specific measures to prevent corruption and unlawful conduct of State officials in cases relating to environmental protection and conservation, including environmental pollution caused by factories, use of waterway, replantation of rubber trees in accordance with the rubber replanting aid fund fact, water resources management, illegal logging, conserved forest land encroachment and issuance of permit for land use.

44. NACC is, as stipulated in the interim constitution of Thailand, responsible for coordinating international cooperation in compliance with international obligation to combat corruption.

45. With regard to implementation of the United Nations Convention against Corruption (UNCAC) which Thailand ratified on 1 March 2011 and has become Party to UNCAC since 31 March 2011, NACC has been actively participating in the Implementation Review Group (IRG), a peer review process conducted by Member States to review the other Member States' obligations under UNCAC. In the case of Thailand, it is scheduled to undergo UNCAC implementation review process to be taken place in June 2015. In this regard, NACC closely coordinated with all agencies concerned to ensure a timely and comprehensive review process under the Convention.

46. As a Party to UNCAC, Thailand reaffirms its commitment to meet with the obligations under UNCAC. Currently, it is in the process considering amending national laws related to the fight against corruption. NACC has submitted draft amendments to the Organic Act on Counter Corruption B.E. 2542 (1999) amended in B.E. 2550 (2007) and B.E. 2554 (2011) which is currently under review by the National Legislative Assembly. Furthermore, the Ministry of Justice is considering the amendment of the Criminal Procedures Code Act.

47. While NACC is responsible for the implementation of UNCAC, the Public Sector Anti-Corruption Commission (PACC) under the Ministry of Justice acts as a law enforcement agency responsible for prevention and suppression of corruption in the public sector. One of the PACC's main strategies is setting up an operation center to collect information related to bureaucratic processes and support each Ministry in its endeavour to fight against corruption. The PACC works closely with the Department of Special Investigation and the Anti-Money Laundering Office, under the executive order of the Ministry of Justice, to investigate and prosecute government officials who have committed corruption.

Witness Protection Program

48. Any person who reports corruption cases is entitled to apply for witness protection program under NACC. The program extends to complainant, injured person or alleged person. Application for the witness protection program will be considered by NACC. Once

approved, the Ministry of Justice will initiate the programme in accordance with the rules and regulations of the witness protection program.

49. The protection program includes provision of safe house, special supervision by security officers or concealing personal information at the highest level of confidentiality. However, if the application for a protection program is refused, such refusal does not deprive the applicant's right to re-apply for the same program in the future.

Article 2, paragraph 2 – Non-discrimination

Reply to the issues raised in paragraph 6 of the list of issues

50. Thailand takes pride in its str ngth as being a pluralistic society. With a mixed population of diverse races, any belief or favouritism toward racism or racial superiority would contradict to the fundamental sentiment of the Thai people. Therefore, a specific legislation on anti-discrimination is not considered as the top priority for the Government, compared to other urgent human rights problems in the country, which may require enforcement by law.

51. Nevertheless, it has been practice in the constitution to guarantee that all persons are equal before the law. Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education, or political views shall not be permitted.

52. With regard to discrimination based on race, as a party of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), as a state party, Thailand is committed to its obligation to prevent and protect people from racial discrimination.

53. Based on Thailand's reservation to Article 4 of the said Convention, the country will only enact a legislation criminalizing racial discrimination if it sees the necessity to do so. A research conducted by the Ministry of Justice has shown that existing legislations are sufficient to curb racial discrimination in the country.

54. Thailand is party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Sexual discrimination is prohibited by law. Thailand has recently enacted a Gender Equality Act, a comprehensive legislation to prohibit discrimination based on sexes and sexual orientation. Discrimination among the sexes and genders is criminalized. The law also explicitly recognizes gender diversity.

Reply to the issues raised in paragraph 7 of the list of issues

55. While Thailand is not yet party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, Thailand has long been known for its humanitarian traditions. We are acutely aware of the specific protection needs of various groups of persons and have provided shelter and care to many, including some 130,000 displaced persons from Myanmar, over the past three decades. We also allow UNHCR to conduct its own Refugee Status Determination and provide necessary legal head room to ensure protection of the vulnerable group regardless of the lack of obligation under the said convention and protocol. As of 31 December 2014, some 7,185 asylum seekers are registered with UNHCR to seek protection in Thailand.

56. Under Thai laws, all displaced persons and other persons of concern enjoy equal protection and are subjected to the same justice system as any Thai national. In addition, people with specific vulnerabilities also enjoy added protection from relevant International

Organizations and NGOs in accordance with Thailand's international obligations and norms.

57. We also work closely with local and international partners to promote awareness and ensure universal access to justice system. For example, in 2014, the Legal Assistance Center set up by Ministry of Interior and International Rescue Committee (IRC) provided trainings on basic laws and civil rights to 7,349 displaced persons and other persons of concern, as well as leaders training and other capacity building programs for 2,601 community leaders and NGOs staffs. In addition, a new interactive learning center will be opened in 2015 as part of our empowerment and capacity building program was for displaced persons from Myanmar.

58. Thailand is also home to a large population of migrant workers from neighbouring countries seeking better work opportunity. While significant efforts have been made to promote regular migration for this group of migrants, including dedicated MOUs on Employment Cooperation with three of its neighbouring countries and various measures to reduce the cost of recruitment, the long stretch of mostly forest covered land border contributed to waves of irregular migrants. To address this challenge and ensure unimpeded protection of these people and their rights, the Thai Government has made regularization of migrant workers one of its top national agendas. To date, over 1.6 million migrant workers and their children have registered with the One Stop Service Centers and received health check-up, temporary work permit and health insurance pending Nationality Verification. Children of migrants residing in Thailand are also provided an access to basic education.

Reply to the issues raised in paragraph 8 of the list of issues

59. As part of our pledges at the Ministerial Meeting on the occasion of the 60th Anniversary of the 1951 Convention relating to the Status of Refugees and the 50th Anniversary of the 1961 Convention on the Reduction of Statelessness, as well as our ongoing efforts to reduce statelessness, all children now have universal access to protection services, and those born in Thailand are entitled to birth registration and other rights under Article 7 of the Convention on the Rights of the Child.

60. We will also continue to consider, where appropriate, further amendment of our Civil Registration Act and Nationality Act, as well as provide greater access to birth registration and individual documentation services, including late birth registration, to build on our progress in reducing vulnerability to statelessness. In this regard, the Thai Government is working closely with the UNHCR to reduce the gaps between the law on nationality and other relevant laws.

61. In 2014 alone, 3,391 birth certificates have been issued for children born to displaced persons in 9 temporary shelters in Thailand. In addition, during the first 7 months of 2014, birth certificates have been issued for 24,854 children born to other non-Thai parents; 8,282 children of parents with problems of legal status, and 3,196 children of migrant workers from Laos, Cambodia and Myanmar.

62. Efforts were made to address some of the challenges and ensure universal birth registration. Birth registration database in 794 hospitals around the country are now linked with the Ministry of Interior's national registration database to ensure timely and accuracy of birth registration with 98 more being connected to this growing network.

63. Progress has also been made on the implementation of the Thai Government's Strategy to Address the Problem of Status and Rights B.E. 2548 (2005) which aims to speed up the solution of status problem by providing a clear guideline to help determine the status of persons who previously have no clear status.

64. Under this Strategy, the Ministry of Interior issued an Announcement in September 2013 giving citizenship to non-Thai children who were born in Thailand to non-Thai parents. The Announcement aims to give citizenship to 5 groups of eligible persons, including children born to parents of both Thai and other ethnicities who long migrated to Thailand as well as children who were born in Thailand without a parent.

Article 3 – Equal rights of men and women

Reply to the issues raised in paragraph 9 of the list of issues

65. During the reporting period, Thailand has implemented (1) the Women's Development Plan under the Tenth National Economic and Social Development Plan (2007–2011) (WDP/10th NESDP) and (2) the Women's Development Plan under the Eleventh National Economic and Social Development Plan (2012–2016) (WDP/11th NESDP).

66. The WDP/10th NESDP aimed at eradicating negative traditional values, beliefs and prejudices against women, which have been the root causes for discrimination against women and obstacles to gender equality. The Plan included five goals, namely (1) to achieve better respect of human dignity and gender equality among children, youth, women and men, (2) to increase the number of women in politics and administration at all levels, (3) to improve participation of women groups in the area of health policy formulation, and promote access to quality health care and reproductive health services, (4) to decrease violence against women, and (5) to create condition for improved women's economic participation and benefits sharing. Under each goal, there are respective strategies to ensure the full implementation of the Plan.

67. Among these goals, progress has been made in promoting more women's participation in politics and women's representation in administration as well as in the private sector. At the central government administration, data during 2003–2010 showed that women holding executive positions increased from 20.94 per cent in 2003 to 24.44 per cent in 2010. In 2012 women accounted for 6.43 per cent of all decision-making positions in local administration. The rate was 39 per cent in the private sector, resulting in the fact that Thailand was ranked third of 34 countries surveyed by the Grant Thronton organization.

68. Thailand attaches importance to eliminating violence against women.

69. Among the recent developments, the Protection of Victims of Domestic Violence Act of 2007 has been enforced, and the One-Stop Crisis Centres have been set up nationwide to provide assistance and rehabilitation to women and children.

70. Currently, Thailand is now implementing the WDP/11th NESDP, which reinforces the efforts made to achieve the goals set forth in the WDP/10th NESDP. Half-term review of the WDP/11th NESDP revealed that there has been an increasing trend of women who take leading roles in the work of local community development in all regions of the country. The strategy to enhance economic and social opportunity of women has been the top priority and translated into projects and activities the most. However, the strategy to promote positive attitudes towards women's empowerment and gender-equality, which may have been considered as the most intangible target, turned out to gain less attention and been less implemented in projects. The second half of the Plan implementation should, therefore, focus on the enhancement of economic status and awareness raising among both men and women about gender-equality.

71. In addition, Thailand has recently enforced the Gender Equality Act. Such law prohibits any policy, rule, order, announcement or any act of a private person, State agency

and independent organization under the Constitution that is deemed to discriminate on the basis of gender. The law puts in place a mechanism to remedy and redress those affected by such discrimination. The law was also drafted by taking into account Thailand's commitment under international human rights instruments.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Reply to the issues raised in paragraph 10 of the list of issues

(a) Overview

72. Findings from the 3rd Quarter of the 2014 Labour Force Survey show that by the end of the quarter there were 38.8 million people in the labour force, of these, 38.4 million were employed, 0.33 million were unemployed and 0.06 million were seasonally inactive, giving an effective unemployment rate of 0.84 per cent. In addition, among those outside the labour force, 4.8 million were in household work, 4.4 million were students and 6.9 million were in other situations.

(b) Ethnicity

73. Thailand is home to a number of distinct ethnic groups, including the majority of Thai and numerous hill tribes living primarily in the north. While Thailand attaches great importance to ensuring the right to work for all regardless of ethnicity, the Government is aware of various challenges faced by various groups of people. In this regards, the Department of Social Development and Welfare, MSDHS has initiated the Highland Career Development Project aiming at supporting and developing careers for low-income people living in 20 highland provinces to earn sufficient income for a decent living and better quality of life.

(c) Disability

74. Workers with disabilities are protected by law to be treated equally as other workers. This principle also extends beyond the sphere of labour where all persons with disabilities are to be treated equally as those without disabilities. In order to ensure equal treatment, the Promotion and Development of Quality of Life for Persons with Disabilities Act B.E. 2550 (2007) requires that employers, both in public and private sectors, employ persons with disabilities according to appropriate nature of the assigned work and the condition of such persons. In addition, Ministerial Regulations, issued by the Ministry of Labour by virtue of the Act, also stipulate that employers and owners of any workplace with more than 100 employees must employ one person with disabilities for every 100 employees with remaining number in excess of 50 counted as 100. The same requirement also applies to all governmental bodies. Statistics reported by MSDHS show that, in 2014, 40.6 per cent of persons with disabilities of working age were employed, 45.2 per cent were unemployed, and 14.2 per cent were not in the labour force. (Unemployment rate by disability, see Annex: Table 2.)

(d) Sex

75. Thailand is of the view that gender equality is not a women's issue but should concern and fully engage men as well as women. Today, Thai women have earned respect and become successful in business, politics, and many other professions. They also play an instrumental role in the Thai society. According to the findings of Labour Force Survey, in 2001, the ratio of men to women's employment in professional fields was 2.9, suggesting

that men were close to three times more likely to be employed than women. This figure has declined over the year to 2.7 in 2010, indicating a decreasing gender gap. In addition, the overall unemployment rates of both male and female have been nearly identical over the past 12 years, indicating our success in encouraging equal employment opportunities and balancing the participation of both men and women in the workforce. (Unemployment rate by sex, see Annex: Table 3.)

(e) Age

76. Statistics on unemployment rate disaggregated by age show that people between the age of 15 and 24 years have consistently been the highest unemployed group over the past decade. In addition to rapid increase in enrolment in tertiary education and advanced degrees which created a pool of new graduates in a slowly adjusting job market, the Social Situation and Outlook Report, 4th quarter of 2013 issue, launched by the Office of National Economic and Social Development Board, also discovered that the vast majority of employers tend to look for workers who have more experience, firm-specific training, and high productivity rate. Therefore, it is often challenging for new graduates or young workers to satisfy such requirements. To address this problem, the Ministry of Labour tries to promote better understanding of new graduates about their qualifications in order to match the employee's requirement as well as to improve communication for more efficient dissemination of job availability. The Federation of Thai Industries is now working with the Ministry of Labour and the Office of Vocational Education Commission to initiate several projects to promote employment and human resources development in parallel. For example, training programs in which entrepreneurs invite both teachers and students to learn more about companies' work so as to encourage a greater linkage between education and practical work as well as employment. (Unemployment rate by age, see Annex: Table 4.)

(f) Urban/Rural

77. Statistics on unemployment rate disaggregated by region show a gradual but downward trend over nearly half the decade with little variation across regions. While all regions enjoy steady decline in unemployment rate over this period, the South has shown slight increase in unemployment in recent years. Consequently, the Ministry of Labour has officially launched its first "Smart Job Centre" in Songkhla province in February 2015 as the host centre for provinces along the Southern border. The centre consists of a job vacancy search team and a recruitment team to provide advice for job seekers as well as to develop skills in order to achieve higher incomes in return. Due to the success of the centre, the Ministry is now preparing to expand services to major provinces around the country. (Unemployment rate by region, see Annex: Table 5.)

Article 7 – The right to just and favourable condition of work

Reply to the issues raised in paragraph 11 of the list of issues

78. In 2014, Thai government has implemented nation-wide registration scheme for illegal migrants from Myanmar, Laos and Cambodia, to ensure that all migrant workers will be covered, protected and provided with welfare under Thai labour law and to prevent them from falling prey to exploitation, especially those in the fishing industry and related businesses. During the permissible registration period from June–October 2014, approximately 1.6 million migrant workers and their dependents have been registered and issued temporary permits to work and stay in Thailand while awaiting Nationality verification.

79. All registered migrant workers purchased health insurance, provided by the Ministry of Public Health, at an affordable cost (around USD 50 per year) so they can enjoy public health services identical to Thai citizen under the universal health coverage. They are also acknowledged of their labour rights and notified of channels of complaint mechanism. Migrant workers' dependents are also registered and are subject to free compulsory education and allowed access to public health services. All other complementing services, such as interpretation, are also provided to make sure all migrants can access health and other social services effectively.

80. All migrant workers in Thailand with valid visas and stay permits enjoy freedom of movement within the country. And while illegal migrant workers have certain limitation due to their legal status, all registered migrant workers waiting for nationality verification also enjoy freedom of movement within the province of their employment and outside in case they are travelling with their employers.

81. Migrant workers have access to their personal documents and all relevant authorities are actively raising awareness among migrant workers and employers to make sure that access to passports and work permits are compulsory both to ensure freedom of movement as well as to prevent forced labour or labour trafficking.

Reply to the issues raised in paragraph 12 of the list of issues

82. To effectively eliminate forced labour in fishery industries, the Thai Government has initiated the process to comprehensively register labour on fishing vessels so that they can benefit from labour protection under Thai law. The Government also revised the Labour Ministerial Regulation to Protect Labour in the Sea Fishing Industry B.E. 2557 (2014) to provide workers with more comprehensive protection, better work condition, elimination of child labour on board, and guarantee that every workers are hired using standardized labour contract. Labour Management Centre (LMC) are established in every coastal province to effectively protect rights of fishery labours and protect victims of trafficking in sea fishing industry. Relevant agencies has integrated their mandates on fishing boats inspection and developed a central database for comprehensive examination to detect any exploitation, violation of labour rights and illegal fishing on board. The government also takes preventive measures on regulating fishing boats by revising Sea Fishing regulations and establishing vessel monitoring and reporting system to minimize the risk workers may face in association with illegal, unreported and unregulated fishery.

83. As a result of intensified fishing boat inspections, from October 2013–September 2014, 652 vessels were inspected. Among this number, 29 fishing vessels violated labour rights. For such cases, the Ministry of Labour will issue an order for the employers to comply with the law and schedule follow-up inspection. Failure to comply with the law will result in imposed fines. In case where child labour or forced labour is found on board, the worker will be immediately rescued and the labour inspector will refer the case to police to press charge against the employer and vessels' owner.

Article 8 – Trade union right

Reply to the issues raised in paragraph 13 of the list of issues

(a) Non-nationals

84. According to the Labour Relations Act B.E. 2518 (1975), migrant workers are not allowed to form a trade union (Section 88) but are allowed to join a trade union (Section 95). Meanwhile, the Thai Government is working on the amendments to related legislation to promote further trade union right, namely the Labour Relations Act and the

State Enterprise Labour Relations Act. The draft amended Acts were approved by the Council of State[1] on 22 July 2014 and will be presented to the cabinet for approval in due course.

85. Meanwhile, the Department of Labour Protection and Welfare has implemented its action plan for the 2015 fiscal year aiming at promoting labour relations through such activities as:

1) Promoting bilateral and tripartite labour relations and good faith between parties;

2) Supporting Provincial Labour Relations Operation Centres aimed at eliminating and resolving labour-relations issues by proactively coordinating with every sector involved;

3) Scrutinising business enterprises considered to be at high risk of having labour disputes and disagreements to help avoid such conflicts, including those enterprises with migrant workers; and

4) Developing and expanding the Labour Disputes and Disagreements Elimination Project in the Special Economic Zones as a pilot project to help resolve labour-relations issues in the areas where migrant workers are the majority, for example in Mae Sot Special Economic Zone.

(b) Education Personnel of Public University and Workers of Quasi-Government "Public Institutions"

86. The Civil Servant Act B.E. 2551 (2008), Section 43 stipulates that "Civil servants have the liberty to assemble as a group as provided in the Constitution, provided that such assembly does not affect the efficiency of national administration and continuity of public services and must not have a political objective. The rules, procedures and conditions for assembly under paragraph one shall be as prescribed by Royal Decree".

87. By virtue of the above mentioned law, the Draft Royal Decree concerning the liberty of assembly has already been approved by the Council of State in 2014 and is now ready to be presented to the Cabinet for consideration.

88. While the abovementioned laws help to ensure the right to form and join a trade union for all civil servants, the liberalization of public universities in 2005 saw new generations of education personnel who are not civil servants and, thus, not covered by the said laws. The Thai Government is acutely aware of this challenge and, by the decision of the Cabinet, agreed on 28 March 2011 to promulgate a new Act to ensure that all public personnel, whether a full civil servant or worker of quasi-public institution, enjoy the same right. The drafting of this new Act is on-going with representatives from all agencies in the drafting committee to ensure inclusiveness and transparency.

(c) Education Personnel of Private Universities

89. Section 23 of the Private University Act B.E. 2546 (2003), stipulates that, while activities of private universities are not subject to Labour Protection Act B.E. 2541 (1998) and Labour Relations Act, employees of private universities must receive benefits and compensation not less than what is prescribed by the Labour Protection Act. In addition, the subsequent governments had indicated that they are open for future promulgation of

[1] A body under the Thai Constitution responsible for providing legal advice to other constitutional bodies.

legislations concerning the right to form or join trade union for educational personnel of private universities.

Article 9 – The right to social security

Reply to the issues raised in paragraph 14 of the list of issues

90. According to the Social Security Act B.E. 2533 (1990), employers who have at least one employee must register their employee(s) under the social security scheme. The social security scheme provides benefits for employees in the formal private sector, regular migrant workers (Section 33) and workers in the informal economy (Section 40). In addition, migrants from Laos, Cambodia and Myanmar, who have completed the nationality verification process under the Regularization Scheme are eligible to receive benefits under the Social Security Act.

91. If these workers suffer injuries caused by work and have already informed such incidents to authorities, the Workmen's Compensation Act B.E. 2537 (1994) allows authorities to impose responsibility on employers to compensate those injured directly, regardless of their legal status.

92. The Thai government attaches great importance to ensuring that migrant workers are well informed of their rights under labour laws. For example, translators and materials in various languages are provided to inform all migrant workers of their rights as part of the Regularization Scheme. Meanwhile, Thailand has also set up Hotline Services to receive complaints with translators provided in provincial labour centres in order to accommodate migrant workers' need in a timely manner. The Ministry of Justice also provides legal assistance to all migrant workers based on humanitarian considerations including, among others, free legal counselling, complaint mechanism, and financial support in accordance with the Ministry of Justice's Regulation on Justice Fund (2010). The Ministry has also established the Remedy Centre for Victims of Crime as a proactive mechanism to respond to the needs of crime victims including migrant workers.

93. Challenge remains in providing workers in informal economy and their families with social security coverage. Attempts to extend coverage to this group include the provision (under Section 40 of the Social Security Act B.E. 2533 (1990)) of a voluntary package, partly subsidized by the Government, which covers sickness, invalidity, death, and an optional old-age benefit in the form of a lump sum payment. The scheme was reviewed in May 2010 with the coming in to force of a new Royal Decree offering new benefit packages with greater government subsidy to encourage workers in the informal economy to take part in the social security scheme.

94. The Thai Government has also declared its intention to address the issue of workers in informal economy and had made the expansion of social protection a key target of the 11th National Economic and Social Development Plan for 2012–2016, with the objective of creating "more justice in society".

95. In March 2010, a Social Protection Floor Joint Team (SPFJT) was set up to support the Thai Government's efforts in progressively implementing a rights-based, systemic, and adequate social protection system. The team is led by the International Labour Organization (ILO) with coordinated support from other United Nations bodies. The main objective is to develop a holistic and coherent vision on social protection in Thailand to move towards the provision of universal and basic social protection to all.

96. Apart from the aforementioned measures taken to ensure informal economy workers' access to basic services and social security, this group of workers can also enjoy the universal healthcare as another health scheme provided for all.

97. Another remaining challenge is the provision of an access to basic rights for irregular migrant workers. The Thai Government has attached great importance to provision of basic healthcare to all workers, regardless of their nationalities. Migrant workers are provided access to healthcare on an inclusive and non-discriminatory basis. The Government has encouraged irregular migrant workers from the 3 neighbouring countries to register themselves under the Regularization Scheme so that they and their dependents are provided with health check-up and access to health coverage.

Article 10 – Protection of the family, mothers and children

Reply to the issues raised in paragraph 15 of the list of issues

(a) Legal framework, law reform, law enforcement mechanisms and relevant jurisprudence

98. Thailand has further strengthened its legal framework to ensure the effectiveness of the protection of children from sexual and economic exploitation and exposure to hazardous or abusive work as follows:

(a) The Labour Protection Act B.E. 2541 (1998) provides legal protection for children in labour force. Some important principles include prohibition against employing a child under fifteen years of age, restriction for workers under eighteen years of age against work between 22.00 hrs and 06.00 hrs or overtime or on a Holiday. Workers under eighteen years of age are also prohibited from hazardous works, for instance, metal pressing, work that must be done underground, underwater, in a cave, tunnel or mountain shaft or work using an electric or motor saw. Importantly, there are continued efforts to ensure compliance with ILO Convention 138 (Minimum Age) and ILO Convention 182 (Worst Forms of Child Labour). Thailand takes into consideration both ILO Conventions when amending or enforcing the laws;

(b) The Child Protection Act B.E. 2546 (2003) aims at providing protection for children from all forms of abuses, exploitation, violence and gross negligence by stipulating explicitly that any child below the age of eighteen is protected by the State. It also stipulates that a person is forbidden to force, threaten, induce, encourage, consent to, or act in any other way that results in the exploitation of a child or constitutes an act of torture, physically or mentally, against the child;

(c) The Witness Protection Act B.E. 2546 (2003) provides necessary protection and encourages child and adolescent victims to be a witness in order to tackle trafficking rings and related criminal organizations. Any victim who becomes a witness will be guaranteed the right to protection, proper treatment, and appropriate remuneration from the State as stipulated by law;

(d) The Protection of Victims of Violence in Family Act B.E. 2550 (2007) protects everyone in the family, especially children and women, from all forms of abuse and exploitation;

(e) The Promotion of Child and Youth Development Act B.E. 2550 (2007) contributes directly to the promotion of programmes and activities for children and youth at all levels. The Act helps empower and prevent them from becoming victims of all forms of exploitation;

(f) The Anti-Trafficking in Persons Act B.E. 2551 (2008) provides a comprehensive approach in addressing the issue of human trafficking, making punishment of traffickers more severe, and ensuring protection of victims. The Act, which took effect on 5 June 2008, places an emphasis on preventing, circumventing, and suppressing a wider

range of activities related to human trafficking and all forms of exploitation. This includes criminalization of the procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving of a child as human trafficking offences. Those who commit an offence of human trafficking against a child shall be liable to a more punishment of imprisonment and fine under this Act.

(b) Measures taken to enforce legislation

99. The following are measures taken to enforce legislation:

(a) The Announcement of the National Committee on the Elimination of the Worst Forms of the Child Labour concerning types of hazardous works for child labour in Thailand signed by the Minister of Labour on 9 November 2013 categorizes hazardous works for child labour into 2 categories: *Type 1* Work that jeopardizes the physical, mental or moral well-being of a child because of its nature; *Type 2* Work that jeopardizes the physical, mental or moral well-being of a child because of the conditions in which it is carried out. The Announcement does not only ensure compliance with ILO Convention 182, but also increases transparency in terms of management of child-labour issue. Most importantly, it imposes legal penalties for violation of the Announcement;

(b) Thailand has also stepped up its campaign against every worst form of child labour with the formation of a National Committee on the Elimination of the Worst Forms of the Child Labour to oversee national efforts to eliminate every worst form of child labour. In addition, the Ministry of Labour, in cooperation with Institute of Population and Social Research, Mahidol University, has recently finished drafting the National Plan and Policy to Eliminate the Worst Forms of Child Labour for the 2015–2020 fiscal years, to be launched in 2015;

(c) The Tourism Authority of Thailand and the Ministry of Tourism and Sports have joined efforts in combating sex tourism by taking strict measures against travel and transportation agencies involved in sex tourism. One notable activity is the cooperation with the ECPAT International, Child Wise and Accor Asia Hotels in the implementation of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. Trainings were organized for provincial tourism agencies and members of the private tourism association on how to cope with suspected and actual cases of child-sex tourism and how to apply preventive measures. Police officers have been designated to carry out surveillance and investigation, and to notify the Tourist Police of any suspected cases of child-sex tourism;

(d) The Centre for the Protection of Children, Youth and Women within the Royal Thai Police was established in 1998 to provide assistance to children, youth, and women who have been assaulted and sexually abused. The center has adopted a more human-rights and victim-centered approach, taking into account the vulnerabilities of the victims and their best interests.

(e) MSDHS developed a 24-hour hotline 1300, operated by the Center for Social Assistance (One Stop Crisis Center – OSCC) to provide assistance to children, women, elderly, disabled, and those experiencing social problems, including human trafficking. In addition to the hotline, 3 other channels of case reporting are available including (1) through 20,000 centers in various local government agencies throughout Thailand (2) through the official website at http://www.oscethailand.go.th and (3) through OSCC Mobile Application. Once the hotline received report of social problems, the case is immediately referred to relevant authorities for prompt rescue or initiation of investigation. In 2014, there were 3,485 reported cases, with the majority of cases of violence against children, women, disabled and elderly persons. Interpreter services are also provided in 5 languages including English, Cambodian, Myanmar, Vietnamese and Chinese, with more

than 40 volunteer interpreters in roster. In 2014, the 78 Centers rendered assistance to 138 foreigners.

Reply to the issues raised in paragraph 16 of the list of issues

100. In 2014, a total of 280 cases of trafficking in persons were investigated, 155 defendants were prosecuted and 104 defendants were convicted. Among 104 convicted defendants, 24 were sentenced to between 1–3 years jail term; 40 were sentenced to between 3–5 years jail term; 11 were sentenced to between 5–7 years jail term; and 20 were sentenced to between 7–30 years jail term.[2]

101. The Thai government provides comprehensive services to victims to ensure access to all basic necessities, proper and specialized medical treatment, physical and mental rehabilitation, education and skill training, as well as legal aid and legal action to acquire restitution, compensation and remedies. In 2014, 303 victims are under protection of MSDHS. Among this number, there are 67 Thai victims and 236 foreign victims. The majority, 165 victims, are adults. Labour trafficking is the most prevalence form of exploitation with 188 victims identified. The rest comprises 108 victims of sexual exploitation and 7 victims of forced begging.

102. Victims also have the right to initiate legal proceeding to acquire remedies, restitution and compensation as provisioned in the laws, including: (1) Financial Aid from the Anti-Trafficking in Persons Fund (USD[3] 124,934 dispensed for 463 victims); (2) Civil Compensation for damage suffered from human trafficking (USD 287,111 for 57 victims — 14 Thais and 43 foreign victims — trafficked to Thailand and USD 751,639 for 19 Thai victims returned from abroad); (3) Unpaid wages, under the Labour Protection Act B.E. 2541 (USD 25,284 for 39 victims – 14 Thais and 25 foreign victims); and (4) Victim compensation in criminal cases (USD 53,000 for 53 victims).

Article 11 – The right to an adequate standard of living

Reply to the issues raised in paragraph 17 of the list of issues

103. Poverty in Thailand has been continuously in decline. The National poverty line, which is used as a tool to measure poverty incidence in the country, has improved constantly every year. According to the Office of the National Economic and Social Development Board, the national poverty line was at USD 72.47 per person per month in 2009. In 2013, the national poverty line increased to USD 85.73 per person per month. In terms of numbers, in 2009 there were 11.6 million persons, or 17.88 per cent of the total population, living in poverty, as measured by the national poverty line. In 2013, the number was significantly reduced to 7.3 million or 10.94 per cent of the total population.

104. .Country demographics reveal that the number of male population living in poverty is slightly higher than that of female. In 2012 there were approximately 4.204 million males and 4.197 million females who live in poverty.

105. In terms of age, the working-age population (15 to 59 years of age) accounted for the largest share, with 4.6 million persons in poverty. Children (0 to 14 years of age) and elderly persons (60 years of age and above) accounted for 2.1 million and 1.7 million, respectively. Nevertheless, when looking at poverty rate among population in each age group, it is found that children and elderly persons living in poverty accounted for higher

[2] Thailand's Trafficking in Persons 2014 Country Report.

[3] Exchange rate for 1 USD is approximately 30 Thai baht.

share than those in working-age. In 2012, poverty rates of children and elderly persons were 16.86 and 16.03 per cent respectively, while poverty rate was only 10.56 per cent for working-age populations.

106. The statistics also shows that poverty is more concentrated in rural than urban areas. In 2013 there were 4.8 million persons in rural areas, or 13.89 per cent of rural population. In contrast, there were 2.4 million poor persons in urban areas, or 7.70 per cent share of urban population. When considering poverty across regions, poverty is largely concentrated in the North and Northeast regions, with 3.7 million in the north-east and 2 million in the north in 2012. (Statistics of poverty incidence, see Annex: Table 6–9.)

107 The constitutions have guaranteed the right of people who are homeless and have insufficient income for living to receive assistance from the government. The government has adopted several policies and measures to address poverty, inequality, and their related issues. The Eleventh National Economic and Social Development Plan (2012–2016) laid out the guidelines to develop the country towards greater equality, inclusiveness, and sustainability, by placing people at the center of development. In addition, the government, reflected in Policy number 3 in their Policy Statement, also puts an emphasis on addressing social disparities in terms of income and quality of life to mitigate difficulties of the underprivileged and help them to attain equal opportunities in the society.

108. The 3rd National Human Rights Plan (2014–2018) addresses the issue of poverty through the plan on economic rights, which aims to enhance people's access to occupational opportunity and adequate income as they are lawfully entitled to. In addition, the Human Rights Plan also incorporate the plan on people living in poverty and individuals affected by the development process, which aims to enable all members of the public to enjoy the right to development on an equal footing.

109. Several other policies and measures have been put in place to ensure that no one is left behind in the campaign against poverty. These are, among others, (a) measures to increase income, reduce expenditure, and improve quality of life such as the 300 Baht (USD 10) minimum wage policy, the establishment of Thai Women Empowerment Funds and the Business Fund, the provision of free bus and train services; (b) the provision of education opportunities by allowing all children, including children with status problem and dependence of migrants to have access to 12 year basic education without charge; (c) the provision of social protection and welfare such as the allowance for the elderly and persons with disabilities, and the universal health coverage scheme which helps prevent people from medical impoverishment; (d) measures to reduce inequality in land and natural resources utilisation through land reform to achieve a more equitable distribution of land tenure rights; (e) the improvement in access to basic infrastructure services; and (f) the improvement in access to justice for the poor through the establishment of the Justice Fund.

110. The current government is trying to introduce new tax policies for wealth redistribution and to narrow inequality gap. The draft bill on inheritance and gifts taxes, which is now under the consideration of the National Legislative Assembly, is a case in point.

Reply to the issues raised in paragraph 18 of the list of issues

(a) Housing

111. The 2010 national population and housing census, conducted by the National Statistical Office, shows that 99.5 per cent of population in Thailand lived in houses, be they detached houses, town houses, apartments, or row houses. Only 0.5 per cent (or around 99,123 households) lived in non-traditional types of house such as rooms in boat, raft or car, or did not have a house.

112. There are however 676 communities in Bangkok that can be regarded as crowded settlements. These communities accommodate 702,404 persons or 130,213 households.

113. The government has been carrying out a number of activities relating to housing programmes including the provision of housing, particularly for poor households, such as the "Baan Eua-Arthorn Housing" (Home of Compassion) Project and the "Baan Mankong" (Collective Housing) Programme; and the provision of financial assistance for those who need housing and low-income citizens. There are also programmes to accommodate homeless people such as "Baan Imjai" (Home of Fulfillment), which started in late 2012 and has been providing shelter, clothes, food as well as occupational training to homeless people in Bangkok.

(b) NCPO Orders

114. The orders issued by the National Council of Peace and Order (NCPO) concerning forest management are Order No. 64 entitled "Suppression and stop the encroachment and destruction of forest resources" and No. 66, entitled "Addition of government agencies for suppression and stop the encroachment and destruction of forest resources and interim policies on practices in the current situation". Both are issued in June 2014.

115. NCPO Order No. 64 aims to put an end to the problem of deforestation by suppressing the encroachment and destruction of forest land in a balanced and comprehensive manner. In addition to measures to suppress encroachment of conserved forest land, authorities must also step up their efforts to inspect lumber factories and intercept illegal logging activities. Any officials who are found to be negligent or be involved in these illegal activities will be subjected to criminal charges and serious disciplinary actions. Relevant authorities must also coordinate and engage the peoples and community organizations to participate in the efforts to prevent further deforestation and to promote reforestation.

116. NCPO Order No. 66, as a subsequent order, aims to provide guidelines for the implementation of Order No. 64 with the principle of not to impact the poor, people with low income, and the landless, particularly those who have lived in the areas prior to the announcement of the conserved forest land.

117. As a result, relocation of the people is unavoidable particularly in the areas considered as necessary to preserve the forest land and ecological system. During this process, it is not uncommon to witness the beneficiaries of the status quo, which include both real estate speculators, local villagers, and people with limited means, refusing to move and to settle in other area.

118. Nevertheless, the government has put its great efforts in taking a balanced approach towards this complicated matter. In October 2014, the Prime Minister Office Regulation was issued to establish the National Committee on Land Policy chaired by the Prime Minister. The Committee members comprises ministers and officers from relevant government agencies, representatives from various sectors including local administration, NGOs working on land management issues not for profits, and experts in areas such as land rights, town planning, environment, laws, economics. The main objectives of the Committee include management of land use and natural resources allocation in a more effective manner, resolving and settling disputes with the local villagers, and development of land to its fullest potential in a fair and sustainable manner. (Please also see answers to question No. 4.)

Article 12 – The right to physical and mental health

Reply to the issues raised in paragraph 19 of the list of issues

119. Thailand has achieved the Universal Health Coverage (UHC) since 2002. According to the statistics by National Economic and Social Development Board at the end of 2014, 99.87 per cent of the Thai citizens are being covered by health insurance schemes guaranteeing them equitable access to essential health service packages at reasonable price for primary health care as well as more comprehensive ones, including coverage and treatments for such diseases as AIDS, cancer, and kidney diseases.

120. The Thai Government's UHC objective is to address the right to health security of the Thai people by providing all Thais with access to efficient and reasonably-priced health services.

121. Various measures are being taken to further improve the services for the people, taking into consideration the challenges of demographic change – particularly the emergence of the aging society, and the increase of non-communicable disease cases. These measures include:

- Further strengthening capacities of hospitals and local health service centres upcountry to become major service providers for patients as well as the elderly, whose proportion of population is on the rise;
- Applying innovative mechanisms to finance the UHC system, such as use of excise tax, to ensure the sustainability of the services for all at reasonable price that would not impose extremely high costs on the people; and
- Expanding the benefit package and service delivery methods to effectively serve the people throughout the country.

122. Challenges in ensuring UHC in practice include:

- Limited use of provided health services in the vulnerable groups such as those with disabilities and mental health problems as well as bed-ridden patients who stay at home;
- Overcrowding problem in hospitals at provincial level; and
- Need of early diagnosis via early visit to doctors for diseases such as diabetes, high blood pressure, AIDS, and chronic kidney failure and asthma, to prevent disease burden in the long run.

Reply to the issues raised in paragraph 20 of the list of issues

123. The protection of people from health hazards from the environment is governed by a number of legal frameworks including the Public Health Act B.E. 2535 (1992), the Factories Act B.E. 2535 (1992), the Hazardous Substances Act B.E. 2534 (1991) and the Enhancement and the Conservation of the National Environmental Quality Act B.E. 2535 (1992).

124. These laws provide provisions on the level of contaminants and hazardous substances in food, water, and the environment as well as the punishment measures for offenders. For instance, factories breaching regulations on environmental protection are liable to a fine of 200,000 baht (or about USD 6,000) and/or the suspension of their operation for mandatory restoration or renovation to meet the set standards. Under the Hazardous Substances Act, those breaching the regulations could have their licenses revoked or are liable the penalty of imprisonment of up to 6 months and/or a fine of 50,000 baht (approximately USD 1,500).

125. The use of measures to remedy those affected by the incidents that deteriorate the environment can be seen in the case of oil spill in Rayong Province in 2013. Following the joint efforts of concerned authorities, companies and the local community to clean up the oil slick, the authorities continue to monitor the contamination of the water and soil in the affected area. A working group has also been set up to oversee the restoration of said area to limit the negative impact on the environment.

126. Also in 2013, the Pollution Control Department (under the Ministry of Natural Resources and Environment) has exercised its authority in testing for pollution and contaminants in water in an industrial zone in Prachinburi Province, following a complaint by the local community. The test was negative; nevertheless, the Factories Affairs Department (under the Minister of Industry) has set up a tripartite committee consisting of local community, business owner and the government authorities concerned to monitor the environment, particularly the level of pollution, in the said industrial zone.

Reply to the issues raised in paragraph 21 of the list of issues

127. The health insurance scheme provided by the Thai Government covers the access to sexual and reproductive health services. These services also include counselling services for cases such as "teen-moms" to offer advice and related assistance needed. The One-Stop Crisis Centre, a unit administered by MSDHS with aim to offer immediate assistance to children, women, elder persons and persons with disabilities, has dedicated resources to help women and teenage with unintended pregnancy.

128. The Public Health Ministry has initiated services targeted at teenagers called Youth Friendly Health Services – YFHS, which are being implemented at hospitals and health service centres across the country. The programme is aimed at providing appropriate services to the new generation to prevent future problems related to reproductive health. This initiative is also hoped to prevent social problem such as teen-moms in a long run by providing useful information and services to keep teenagers well informed about sexual and reproductive health.

Articles 13 and 14 – The right to education

Reply to the issues raised in paragraph 22 of the list of issues

129. Education is a sector in which Thailand has invested heavily – almost 20 per cent of the Government budget in 2015.

130. Thailand already achieved the target of eliminating gender disparities in primary and secondary education by 2005. The 12-year free basic education has been provided for every child in Thailand regardless of their sex according to laws.

131. Nevertheless, Thailand is yet to achieve universal primary education. According to the report entitled "Thailand: Monitoring the situation of children and women" by the National Statistical Office and UNICEF, it is found that in 2012 the net school attendance rate was 95.7 per cent. The rate was lower in secondary school, at 78.8 per cent. It is important to note that there was no significant difference in terms of gender, area (urban/rural) and region, in particular during primary level.

132. It was also found that the higher the level of education, the higher rate children and youth leave school. More than 97 per cent of children aged between 5–11 years old (primary school age) attended school. The rate however started to decline for those aged 12 to 14 years old. For children and youth aged between 15 and 20 years old (upper secondary and higher education levels including vocational education), the school attendance rate dropped dramatically. The reason why they leave school was mainly because of lack of

money. Other reasons were such as living too far from school, lack of birth registration, lack of citizenship, and falling sick.

133. (Statistics on school attendance rates, see Annex: Table 10–13.)

134. The government has tried to increase the rates of enrolment through various laws and policies such as (1) the provision of 12 year basic education free of charge as stipulated in the constitution; (2) the Cabinet's decision on 5 July 2005 also allowed all children, including those without proper registration documents, to receive 12 year basic education free of charge; and (3) the provision of education loans for those who wish to study in a higher level and need financial support, among others.

Reply to the issues raised in paragraph 23 of the list of issues

135. Thailand has implemented an education for all policy. All children must receive 9 years compulsory education and are entitled to receive 12 year basic education under the National Education Act B.E. 2542 (1999) and its amendment (No. 2) B.E. 2545 (2002). This is further reinforced by the 15 year free education programme for all, from kindergarten up to high school level regardless of nationality. As such, children in the Southern Border Provinces (SBPs) are also entitled to the free education programme.

136. In light of ongoing attacks against teachers in the SBPs, the authorities concerned, including civilian, police and military officers, as well as Teachers Federation in the Southern Border Provinces, work closely together to provide protection and safety for teachers and education personnel in the areas. Relevant information such as location of the village and route between homes and schools will be examined to ensure safety of teachers and education personnel while commuting between their homes and schools. Local communities are also encouraged to assist in taking care of teachers and education personnel.

137. In southern border provinces, the Committee for the Administration of Education in the Southern Border Provinces is in charge of implementing plans and policies for the improvement of education in the area. Such plans include Strategic Plan for the Improvement of Education in the Southern Border Provinces B.E. 2555-2559 (2012–2016) and the establishment of the Office of Educational Coordination and Integration in the Southern Border Provinces. The Committee's function is designed specifically to curb problems relating education that result from ongoing unrest situation in the area, as well as to improve the quality of education. The Committee also serves as one of the core entities to work towards development, peace and security on the ground. Specific budget plan is approved every year to protect and promote the right to education of children in the southern border provinces. Budget is allocated primarily to training of personnel and scholarship offered to children who wish to pursue further study. Under the scholarship, students are free to choose their areas of study. At least 815 students are granted scholarship each year. In addition, scholarships granted for students to study abroad are made available by Ministry of Foreign Affairs of Thailand and foreign governments.

138. The Ministry of Education has also developed Project for Long Distance Learning through Satellite which later became one of the key tools to deliver quality education that reaches out to the schools in the southern border provinces. Hundreds of schools are equipped with technology through satellite under this project.

Article 15 – Cultural rights

Reply to the issues raised in paragraph 24 of the list of issues

139. Thailand recognizes that difference in culture is valuable to the nation's cultural heritage.

140. The Ministry of Culture has been active in protection of rights of ethnic groups as well as protection and promotion of their arts, culture and local wisdoms. In doing so, participation of individuals belonging to ethnic groups is encouraged.

141. In each province throughout the country, there is a provincial branch of Ministry of Culture. The provincial office is in charge of protecting and promoting cultural heritage of each group. In provinces where there are many ethnic groups, the said office often cooperate with the group or villagers in organizing events according to their own tradition or establish a museum.

142. Additionally, under the Ministry of Culture, the Department of Culture Promotion is tasked to minimizing the risk of disappearance of some ethnic languages. Measures to achieve this include:

- Funding the projects on data collection and management. The creation of data system of national cultural heritage and local wisdoms within the Department of Culture Promotion enhances the Department's work in the field of preservation and promotion of local wisdoms. Projects also aim at encouraging participation of community members in the preservation of their cultural heritage. Community members are encouraged to collectively make plans and decisions on how they want their cultural heritage and local wisdom to be managed, preserved and promoted;
- Since 2012, 25 ethnic languages have been declared as national cultural heritage and local wisdoms in order to raise awareness among people in the country about the preservation of ethnic languages. The declaration of an ethnic language as national cultural heritage is also considered as a means to recognize the importance of the existence of such ethnic groups and members of such groups so that they do not feel being left behind in the society;
- Princess Maha Chakri Sirindhorn Anthropology Centre (public organization) (SAC) is a non-profit academic institution responsible for the systematic gathering, processing and servicing of anthropological data. The SAC is committed to fostering academic progress through the extension of anthropological knowledge, through the propagation of new research and findings, through the encouragement and support of development in research studies, and in the accumulation of an extensive collection of anthropology materials (with a focus on Thailand and Southeast Asia). Although SAC does not work specifically to combat the risk of disappearance of ethnic language, but SAC's studies contribute greatly to the promotion and preservation of ethnic wisdoms.

Reply to the issues raised in paragraph 25 of the list of issues

143. The *lèse majesté* law is part of Thailand's Criminal Code. It gives protection to the rights and reputations of the King, the Queen, the Heir-apparent, or the Regent in a similar way libel law does for commoners.

144. The law is not aimed at curbing people's rights to freedom of expression nor the right of everyone to take part in cultural life and to have necessary freedom for creative activities.

145. Number of cases filed to the Court in application of *lèse majesté* has been kept to the minimum. Bearing in mind of people's freedom and rights to cultural life and creative activity, the law has never been used in a manner to restrict legitimate exercise of academic and cultural rights including debates about the monarchy as an institution.

146. However, under certain circumstance that poses challenge to national security, many statements under *lèse majesté* law explicitly aiming to incite hatred and create disharmony in the society have been found widely spread on the internet.

147. Right to use the Internet:

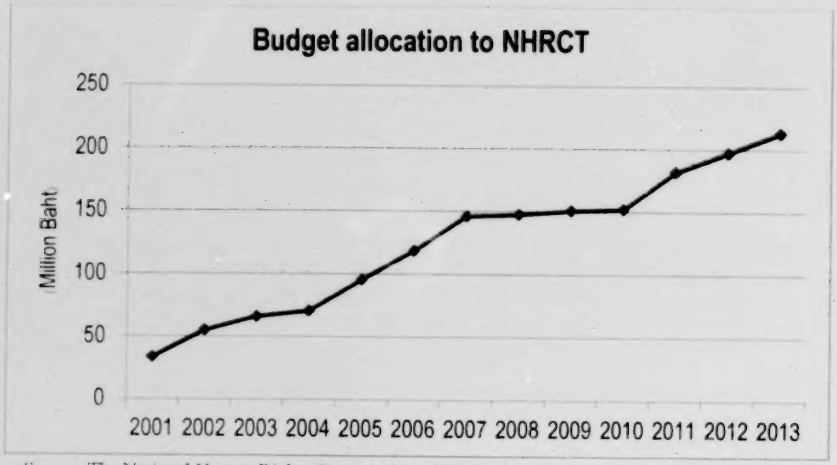
- The use of internet is under the responsibility of the Ministry of Information and Communication Technology. Being aware of people's rights to information and cultural activity on the internet, censorship of inappropriate content online is carried out in a very restrictive manner and under the process which is governed by the law;
- According to Computer Crime Act, restriction of dissemination of unlawful internet data must be approved by the minister of information and communication technology and only by a Court order. The grounds for such restriction are prescribed by the law namely the data being harmful to public order or created by criminal offences relating to national security and terrorism. Once a court order is issued, the service provider would be notified to restrain the dissemination of such internet data.

148. It is important to reiterate that while ensuring that the legal provisions are not misused to restrict the rights to take part in cultural life, the freedom for creative activities, and the use of internet, efforts should also be made to prevent the well intention of promoting these rights and freedom from being misused to allow for the incitement of hatred and the creation of social disharmony.

Annex

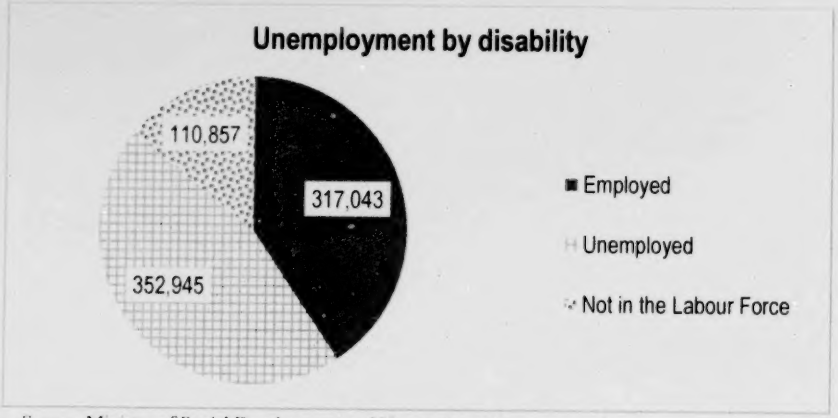
Tables

Table 1



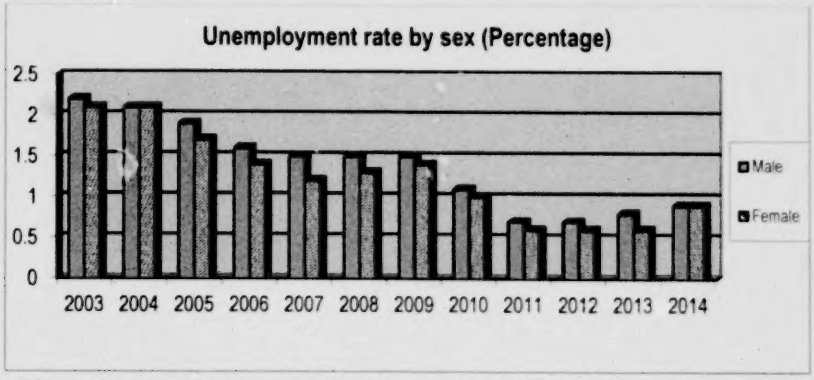
Source: The National Human Rights Commission of Thailand.

Table 2



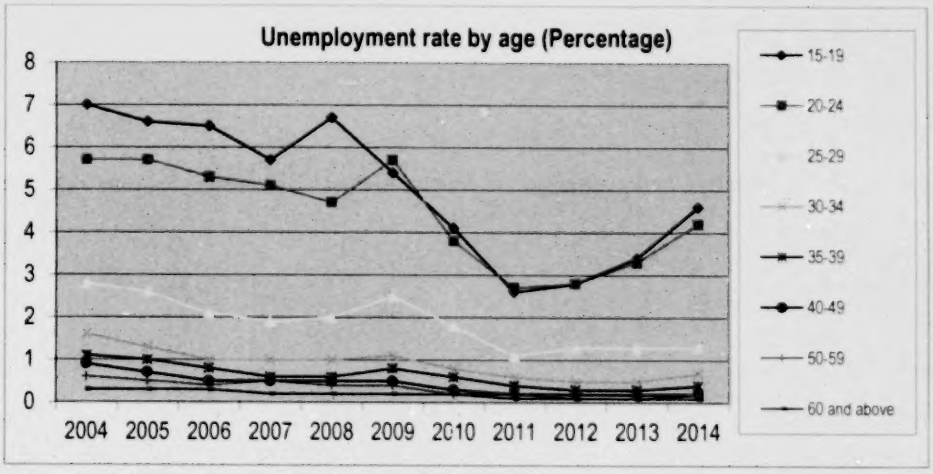
Source: Ministry of Social Development and Human Security.

Table 3



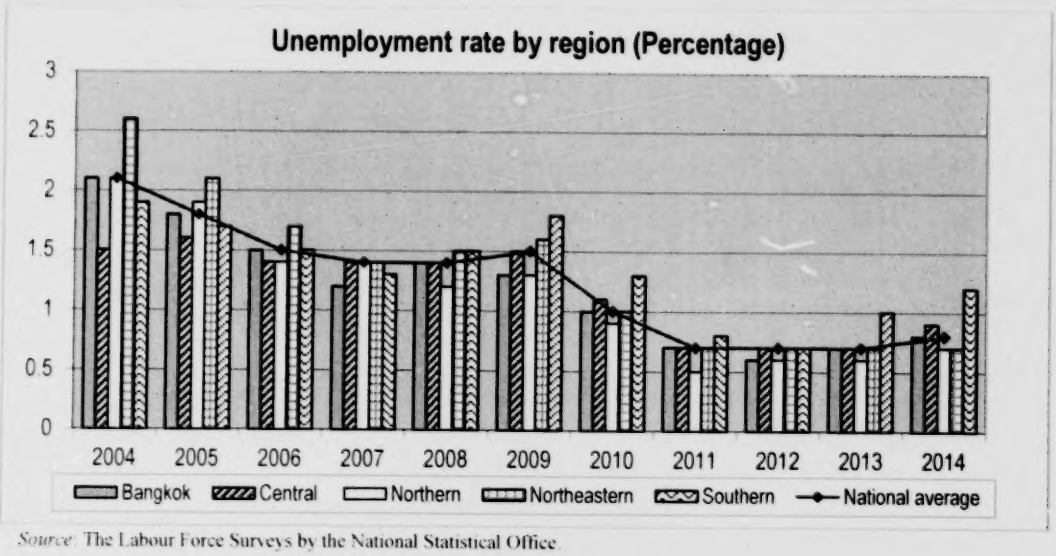
Source: The Labour Force Surveys by the National Statistical Office.

Table 4



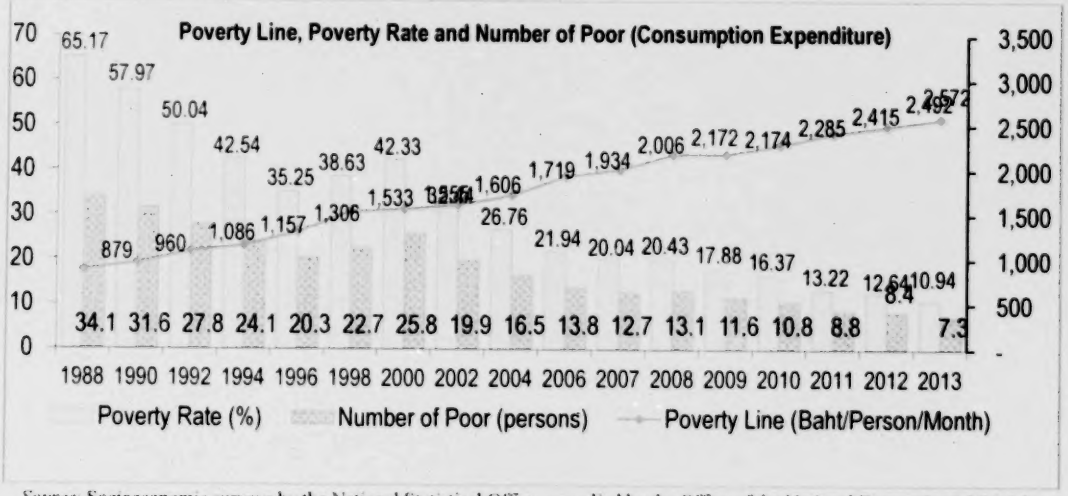
Source: The Labour Force Surveys by the National Statistical Office.

Table 5



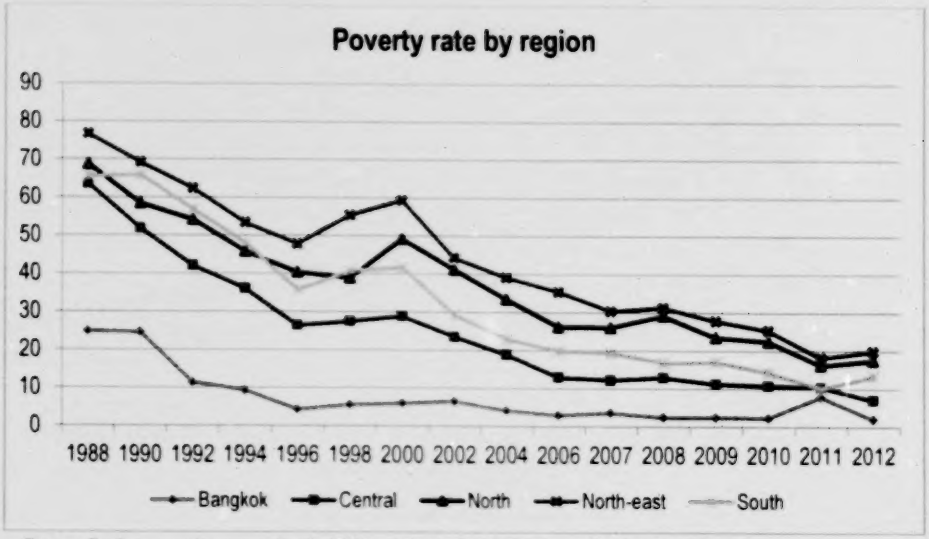
Source: The Labour Force Surveys by the National Statistical Office.

Table 6



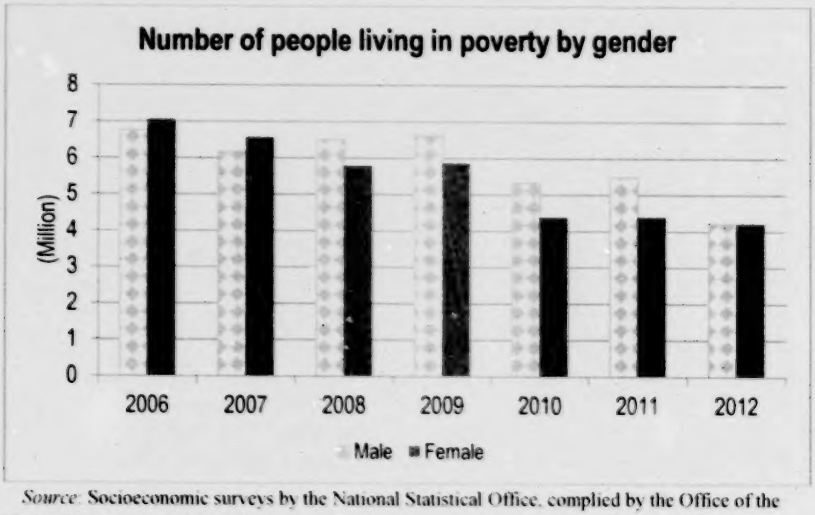
Source: Socioeconomic surveys by the National Statistical Office, complied by the Office of the National Economic and Social Development Board.

Table 7



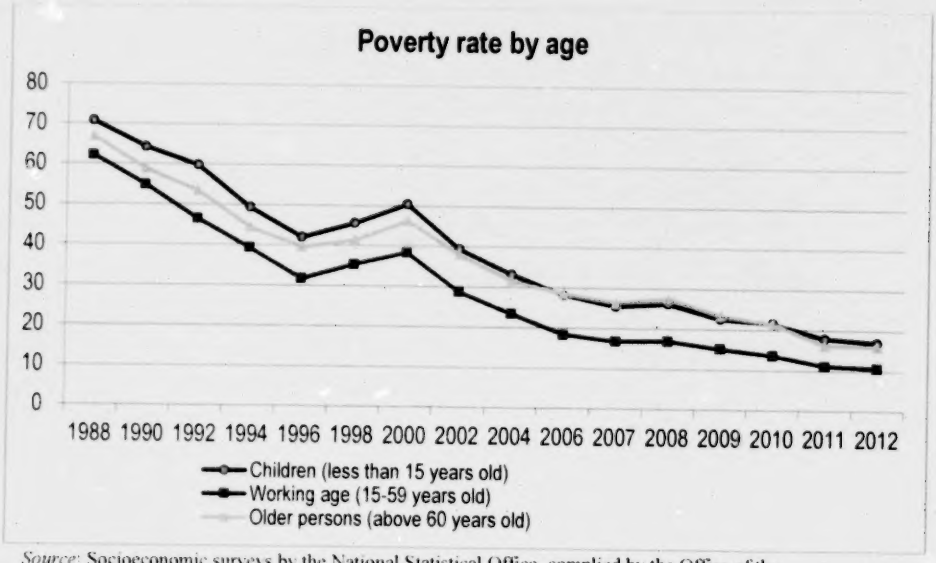
Source: Socioeconomic surveys by the National Statistical Office, complied by the Office of the National Economic and Social Development Board.

Table 8



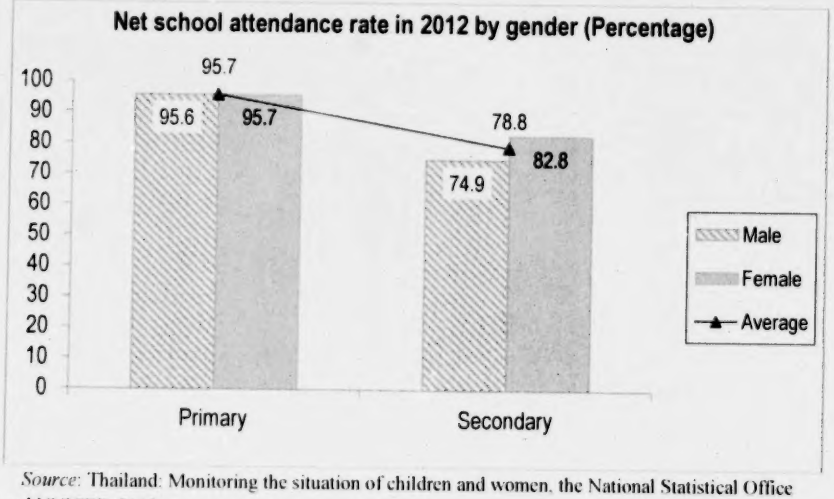
Source: Socioeconomic surveys by the National Statistical Office, complied by the Office of the National Economic and Social Development Board.

Table 9



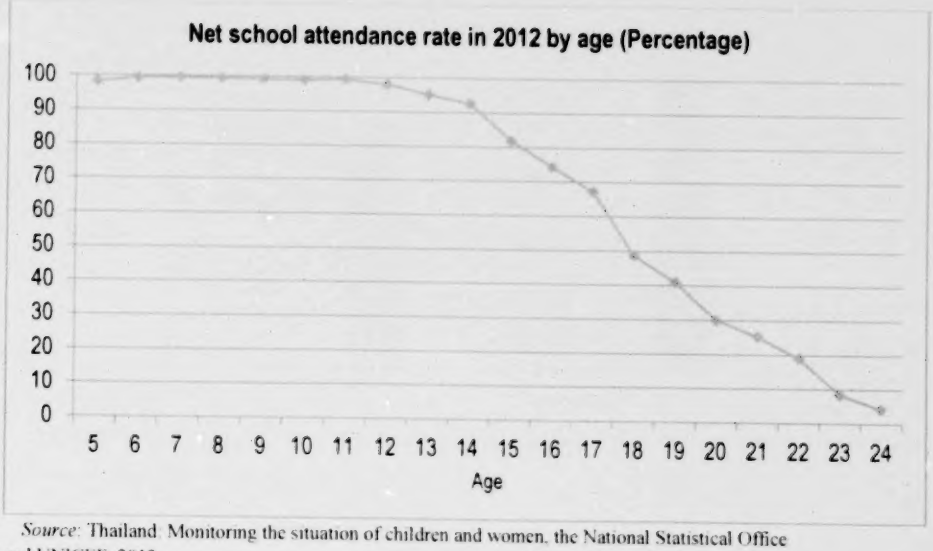
Source: Socioeconomic surveys by the National Statistical Office, complied by the Office of the National Economic and Social Development Board.

Table 10



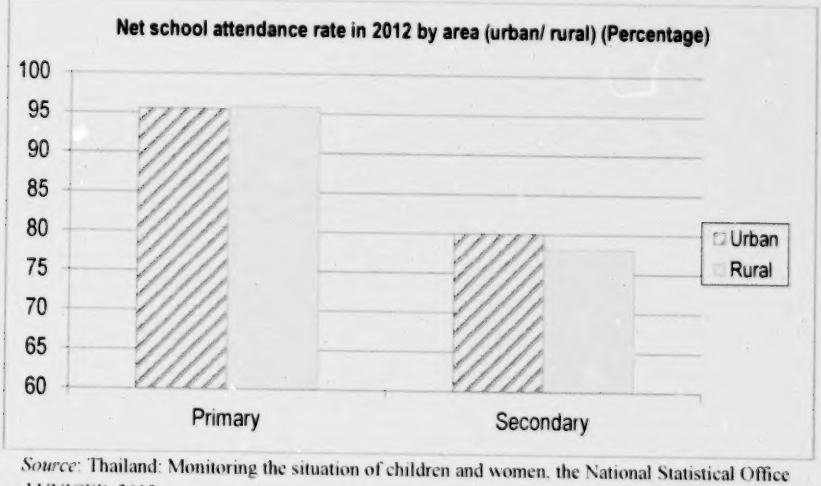
Source: Thailand: Monitoring the situation of children and women, the National Statistical Office and UNICEF, 2012.

Table 11



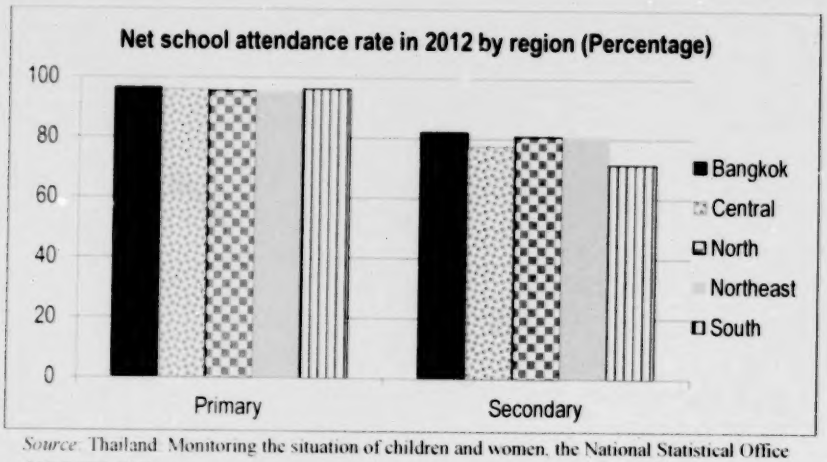
Source: Thailand: Monitoring the situation of children and women, the National Statistical Office and UNICEF, 2012.

Table 12



Source: Thailand: Monitoring the situation of children and women, the National Statistical Office and UNICEF, 2012.

Table 13



Source: Thailand Monitoring the situation of children and women, the National Statistical Office and UNICEF, 2012.